

Nos. 2015-1171, -1195, -1994

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

APPLE INC., a California corporation,

Plaintiff-Cross-Appellant,

v.

SAMSUNG ELECTRONICS CO., LTD., a Korean corporation, SAMSUNG ELECTRONICS
AMERICA, INC., a New York corporation, AND SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware limited liability company,

Defendants-Appellants.

Appeals from the United States District Court for the Northern District of
California in Case No. 12-cv-00630, Judge Lucy H. Koh.

**PLAINTIFF-CROSS APPELLANT APPLE INC.'S UNOPPOSED MOTION
TO SUPPLEMENT THE RECORD ON APPEAL**

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March 30, 2016

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*Counsel for Plaintiff/Cross-
Appellant Apple Inc.*

CERTIFICATE OF INTEREST

Counsel for Plaintiff/Cross-Appellant Apple Inc. certifies the following:

1. The full name of every party or amicus represented by us is:

Apple Inc.

2. The names of the real party in interest represented by us is:

Not applicable.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

WILMER CUTLER PICKERING HALE AND DORR LLP: Thomas E. Anderson, Rebecca Bact, Heath A. Brooks, Dana O. Burwell, Anna Bonny Chauvet, Andrew J. Danford, Ronald R. Demsher (former), Mark C. Fleming, Lauren B. Fletcher, Adele R. Frankel, Sarah R. Frazier, Liv L. Herriot, Peter J. Kolovos, Gregory H. Lantier, Anna Tin-Yee Lee (former), William F. Lee, Andrew L. Liao, Cosmin Maier, Joseph J. Mueller, Richard W. O'Neill, John P. Pettit, Kevin S. Prussia, James L. Quarles, III, Katie M. Saxton, Mark D. Selwyn, Peter J. Shen (former), Michael J. Silhasek, Victor F. Souto, Thomas Sprankling, Timothy D. Syrett, Nina S. Tallon, Timothy A. Tatarka, Olga L. Tobin, S. Calvin Walden, David C. Yang, Kathryn D. Zalewski

GIBSON, DUNN & CRUTCHER LLP: Jordan H. Bekier, Brian M. Buroker, Frederick S. Chung, Emily L. Fedman (former), Megan K. Fluckiger (former), Joshua R. Furman (former), Holly A. Jones, Stephanie J. Kim, Steven S. Kim (former), Josh A. Krevitt, Jeffrey G. Lau, Jason C. Lo, Quincy Lu, H. Mark Lyon, Shannon E. Mader, Timothy W. Malone (former), Casey J. McCracken, Azar Mouzari, Mark Nolan Reiter, Jennifer J. Rho, Sarah J. Sladic (former), Rodney J. Stone, Daniel J. Thomasch, Paul

E. Torchia, Michael A. Valek, Robert Vincent, Samuel K. Whitt (former), Minae Yu

MORRISON & FOERSTER LLP: James P. Bennett, Ruth N. Borenstein, Brittany N. DePuy (former), Efrain Staino Flores, Richard S.J. Hung, Michael A. Jacobs, Esther Kim, Matthew I. Kreeger, Rachel Krevans, Kenneth A. Kuwayti, Scott F. Llewellyn, Jack W. Londen, Harold J. McElhinny, Erik J. Olson, Mary Prendergast, Christopher L. Robinson, Nathaniel B. Sabri, Nicole M. Smith, Christopher J. Wiener

COOLEY, GODWARD, KRONISH LLP: Benjamin George Damstedt

SKIERMONT PUCKETT LLP: Sarah Elizabeth Spires

Dated: March 30, 2016

/s/ William F. Lee

WILLIAM F. LEE

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At the suggestion of the clerk's office, Plaintiff-Cross Appellant Apple Inc. moves to supplement the record on appeal to include the following materials:

- Encyclopedia of Computer Science, pp. 215-218, 1620-1624 (4th ed. 2000) (attached as Exhibit A);
- Stephen L. Montgomery, Object-Oriented Information Engineering: Analysis, Design, and Implementation, pp. 264-271 (1994) (attached as Exhibit B);
- United States Patent No. 5,546,583 (attached as Exhibit C); and
- Dictionary of Computing, p. 391 (4th ed. 1996) (attached as Exhibit D).

In ruling on a substantial evidence issue, the panel relied upon these materials in its February 26, 2016 decision (*see* ECF 86-2 at 8-11 & n.5), but they were not part of the record before the district court or on appeal. Apple attempted to submit these materials as an addendum to its combined petition for panel rehearing and rehearing en banc. *See* ECF 88. However, Apple's petition was rejected for including these same non-record materials that the panel relied upon. *See* ECF 90. The clerk's office suggested that Apple file a motion to supplement the record to make these materials part of the record. Accordingly, Apple now moves to supplement the record on appeal to include these materials so that the en

banc court may consider Apple's petition in light of the non-record materials relied upon in the panel's decision.

Counsel for Appellants have informed counsel for Apple that Appellants do not oppose this motion and will not file a response.

Accordingly, Apple respectfully requests that its motion be granted. A proposed order is included herewith.

Respectfully submitted,

/s/ William F. Lee

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ORDER

Upon consideration of Plaintiff-Cross Appellant Apple Inc.'s Unopposed
Motion To Supplement The Record On Appeal, IT IS HEREBY ORDERED
THAT:

The motion is granted.

Dated: _____, 2016

CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of March, 2016, I filed the foregoing Plaintiff-Cross Appellant Apple Inc.'s Motion To Supplement The Record On Appeal with the Clerk of the United States Court of Appeals for the Federal Circuit via the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ William F. Lee _____

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March 30, 2016